

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the Office action and have amended the application to more clearly set forth aspects of the invention.

Claims 1, 6-8, 17-22, 33, 38-40, 44, 48, 56, 62, 65-66, 69-70 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Applicants thank the Examiner for accepting the drawings. The specification has been corrected as suggested.

Claim Rejections Under 35 U.S.C. § 101

Claims 69 and 70 have been amended to recite a tangible computer readable storage medium so the rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 112

"Single combined image stream" has been changed to "single image stream" so that the rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-70 stand rejected as anticipated by Diwan (6,801,936). Diwan discloses a system (190) which provides information to multiple subscribers (105-125). Subscribers request different information and the system stores rules for sequentially delivering the requested information. The system gathers information from multiple information sources (145-155) and packages the gathered information into customized bundles according to the received requests and the stored rules. The system uses an agent 190 to sequentially deliver the customized bundles to the subscribers according to the stored rules.

In contrast, claim 1 has been amended to recite that "the server **simultaneously**, directly multicasts the common data, the first file data and the second file data [which is different from the first file data] to both the first and second destination devices." In particular, claim 1 has been amended to recite the simultaneous nature of the invention:

wherein the server **simultaneously** transmits the first file data to the first and second destination devices via the shared network and wherein the server **simultaneously** transmits the second file data to the first and second destination devices via the shared network;

wherein the server **simultaneously** transmits the first image including the first software and the second image including the second software in a single image stream from which the first image and the second image can each be re-created by imaging;

wherein the server **simultaneously** transmits first descriptive data to the first and second destination devices via the shared network, said first descriptive data identifying the common data and first file data of the first image;

wherein the server **simultaneously** transmits second descriptive data to the first and second destination devices via the shared network, said second descriptive data identifying the common data and second file data of the second image; and

wherein the first destination device selectively receives the common data and the first file data via the shared network as defined by the first descriptive data transmitted to the first destination device from the server **simultaneously** while the second destination device selectively receives the common data and the second file data via the shared network as defined by the second descriptive data transmitted to the second destination device from the server;

whereby the server **simultaneously**, directly multicasts the common data, the first file data and the second file data to both the first and second destination devices.

In addition, claim 1 has been amended to recite the distinctions between the first and second images and particularly the differences between the first and second file data as compared to the common file data, all of which is simultaneously transmitted to both devices: "a first image including a first software wherein the first image includes common file data, and first file data; a second image including a second software wherein the second image includes the common file data and second file data which is different from the first file data..."

In addition, claim 1 has been amended to recite that, contrary to the sequential teaching of Diwan and contrary to the delivery agent 190 of Diwan, all data is transmitted to both devices:

"wherein the server simultaneously transmits the first file data to the first and second destination devices via the shared network and wherein the server simultaneously transmits the second file data to the first and second destination devices via the shared network..."

In addition, claim 1 has been amended to recite that, contrary to the sequential teaching of Diwan and contrary to the delivery agent 190 of Diwan, the first and second images are transmitted as a single image: "wherein the server simultaneously transmits the first image including the first

software and the second image including the second software in a single image stream from which the first image and the second image can each be re-created by imaging...." In this regard, the Examiner's rejection of this subject matter previously presented in claim 2 argues that:

7.2 Per claim 2, Diwan teaches the system of claim 1 further comprising: said server transmitting the first image including the first software and the second image including the second software in a single combined image stream from which the first image and/or the second image can each be re-created by imaging (Fig. 5, item 540; col. 5, line 62 – col. 6, line 5; col. 6, lines 16 – 25).

However, this part of Diwan does not address a single image but instead relates to the selective, sequential transmission of stock quotes.

In addition, claim 1 has been amended to recite that, contrary to the sequential teaching of Diwan and contrary to the delivery agent 190 of Diwan, the first and second descriptive data are transmitted to both devices: "wherein the server simultaneously transmits first descriptive data to the first and second destination devices via the shared network, said first descriptive data identifying the common data and first file data of the first image; and wherein the server simultaneously transmits second descriptive data to the first and second destination devices via the shared network, said second descriptive data identifying the common data and second file data of the second image...." In this regard, the Examiner's rejection of this subject matter previously presented in claim 3 argues that:

7.3 Regarding claim 3, Diwan discloses the system of claim 1:

wherein the server is adapted to transmit first descriptive data to the first destination device via the shared network, said first descriptive data identifying the common data and first file data of the first image (Figs. 1, 4, 5; col. 5, lines 15 – 47); and

wherein the server is adapted to transmit second descriptive data to the second destination device via the shared network, said second descriptive data identifying the common data and second file data of the second image (Figs. 1, 4, 5; col. 5, lines 15 – 47).

However, this part of Diwan does not address simultaneous descriptive data transmission but instead relates to the selective, sequential transmission of stock quotes.

In addition, claim 1 has been amended to recite that, contrary to the sequential teaching of Diwan and contrary to the delivery agent 190 of Diwan, the devices selectively receive data defined by the descriptive data: "wherein the first destination device selectively receives the common data and the first file data via the shared network as defined by the first descriptive data transmitted to the first destination device from the server simultaneously while the second destination device selectively receives the common data and the second file data via the shared network as defined by the second descriptive data transmitted to the second destination device from the server...." In this regard, the Examiner's rejection of this subject matter previously presented in claims 4 and 5 argues that:

7.4 Per claim 4, Diwan teaches the system of claim 3: wherein the first destination device receives the common data and the first file data via the shared network as defined by the first descriptive data transmitted to the first destination device from the server (Figs. 1, 4, 5; col. 5, lines 15 – 47; col. 5, line 62 – col. 6, line 5).

7.5 Regarding claim 5, Diwan discloses the system of claim 3: wherein the second destination device receives the common data and the second file data via the shared network as defined by the second descriptive data transmitted to the second destination device from the server (Figs. 1, 4, 5; col. 5, lines 15 – 47; col. 5, line 62 – col. 6, line 5).

However, this part of Diwan does not address that the devices selectively receive data defined by the descriptive data but instead teaches that the devices receive all data provided by the agent.

In addition, claim 1 has been amended to recite that, contrary to the sequential teaching of Diwan and contrary to the delivery agent 190 of Diwan, that the files are simultaneously, directly multicast: "whereby the server simultaneously, directly multicasts the common data, the first file data and the second file data to both the first and second destination devices" In this regard, the Examiner's rejection of this subject matter previously presented in claim 6 argues that:

7.6 Per claim 6, Diwan teaches the system of claim 3 wherein the server directly transmits the first descriptive data to the first destination device and the server directly transmits the second descriptive data to the second destination device, and wherein the server multicasts the common data, the first file data and the second file data simultaneously to the first and second destination devices (Fig. 1; col. 2, lines 8 – 15 "multicast message").

However, this part of Diwan does not address simultaneous, direct multicast but instead relates to a multicast group ID address.

Thus, amended claim is patentable over Diwan and claims 7-16 are patentable at least based on their dependency. Furthermore, Applicants submit that claim 7 is patentable because Diwan does not each "maintains a list of destination devices and the common data of the images to be transmitted." Similarly, the unique identifier of claim 8, the notifications of claims 9-12, the reconstruction of claim 13, the plurality of multicast streams of claim 14, the priority of claim 15 and the added device of claim 16 are not in Diwan and distinguish over Diwan. The Examiner cites a general discussion in Diwan and the basis for rejecting these dependent claims. However, this general discussion does not address the specifics of the dependent claims. The Examiner must point out with particularity the basis for the rejection of the dependent claims or withdraw the rejection. For example, Applicants note that the word "simultaneous" does not appear in Diwan but the Examiner seems to suggest this to the contrary.

Claims 17, 22-33, 37-40, 44-48, 52-56, 62-66 and 68-70 have been similarly amended and are patentable for the same reasons as claims 1 and 6-16 so that the application should be allowed.

Regarding claim 56 and 62-64, which recite a separate channel for the descriptive data, since Diwan does not transmit descriptive data, these claims should be allowed. The Examiner is requested to cite a reference to support the rejection or withdraw the rejection and allow these claims.

Claims 65, 66, 68 and 69 should be allowed because they recite descriptive data not in Diwan. The Examiner is requested to cite a reference to support the rejection or withdraw the rejection and allow these claims.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims 1, 6-17, 22-33, 37-40, 44-48, 52-56, 62-66 and 68-70 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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